

In re Appln. Of:

MIYACHI et al.

Filed:

June 23, 2004

For:

LITHIUM ION SECONDARY BATTERY

DOCKET:

NEC DP-907

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-identified application, Applicants hereby attach U.S. Patent Office form PTO-1449, including copies of the prior art references listed therein. Most of these references were cited in the International Search Report dated April 30, 2003 of the corresponding PCT patent application, and one of these references was cited in the specification. Enclosed also is a copy of the International Search Report. Applicants are not submitting a copy of the U.S. Patent reference as the Office waived the requirement under 37 CFR 1.98(a)(2)(i) on July 11, 2003. The claims in the present application are believed to be patentably distinguished over these references.

This information disclosure statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR §1.56(A). No representation is made that the information thus disclosed in fact constitutes prior art or that it is the closest prior art, inasmuch as 37 CFR §1.56(A) relies on a materiality concept which depends on subjectivity.

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Docket No. NEC DP-907
Information Disclosure Statement

In compliance with the requirements of 37 CFR §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a copy of the Search Report by a foreign examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a foreign patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of the country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

We believe that there are no fees involved with this information disclosure statement. However, in the event there are any fees payable, please charge them to our Deposit Account No. 08-1391.

Respectfully submitted,

Norman P. Soloway Attorney for Applicants

Reg. No. 24, 315

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U.S. PATENT DOCUMENTS											
*EXAMINER INITIAL		DOCUMENT NUMBER		DATE	NAME		CLASS	SUBCLASS	FILING DATE IF APPROPRIATE		
		5,99	8,063	12/07/1999	КОВАУ	ASHI et al.	429	218.1	05/01/1997		
				U.S. PATEN	IT APPLIC	ATION PUBLICATIONS					
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			DOCUMENT NUMBER	DATE		COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO		
		2002-015729 2001-283833 11-288705 07-235330		18.01.2002	JAPAN (	w/Abstract)	H01M	4/02		<b>y</b>	
				12.10.2001	JAPAN (w/Abstract)  JAPAN (w/Abstract)  JAPAN (w/Abstract)		H01M	4/02		1	
				19.10.1999			H01M	4/02		>	
				05.09.1995			но1м	10/40		7	
		2002-198036 12.		12.07.2002	JAPAN (	w/Abstract)	Н01М	4/02		>	
			OTHER DOCUMEN	NTS (Includin	g Author	, Title, Date, Pertinent	Pages, Etc.)				
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		10-241684		11.09.1998	JAPAN (w/Abstract)		H01M	4/58	YES	NO
		08-213053 07-326342 07-094169		20.08.1996	JAPAN (w/Abstract)  JAPAN (w/Abstract)  JAPAN (w/Abstract)		Н01М	10/40		<b>✓</b>
				12.12.1995			H01M	4/02		1
				07.04.1995			но1М	4/02		1
		04-179050 25.06.19		25.06.1992	JAPAN (w/Abstract)		Н01М	4/02		1
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<u> </u>	1	Huggins Robert A "I	ithium Allay Neg	otive Flee	, Title, Date, Pertin	ent Pages, Etc.,	" Calid State	Ionica 112	115
		Huggins, Robert A., "I (1998) pgs. 57-67.	Attiiuiii Antoy Neg	ative Elec	noues Formed Hom C	Lonvertible Oxides	, sond State	<u>1011CS</u> , 113	-115
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# June 25, 2004 **U.S. PATENT DOCUMENTS** \*EXAMINER FILING DATE DOCUMENT NUMBER DATE NAME CLASS SUBCLASS INITIAL IF APPROPRIATE **U.S. PATENT APPLICATION PUBLICATIONS** \*EXAMINER FILING DATE DOCUMENT NUMBER DATE NAME CLASS SUBCLASS INITIAL IF APPROPRIATE **FOREIGN PATENT DOCUMENTS** TRANSLATION DOCUMENT NUMBER DATE COUNTRY CLASS SUBCLASS YES NO 04-073862 09.03.1992 JAPAN (w/Abstract) H01M 4/02 OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) Huggins, Robert A., "Lithium Alloy Negative Electrodes Formed from Convertible Oxides", Solid State Ionics, 113-115 (1998) pgs. 57-67. **EXAMINER DATE CONSIDERED**

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